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OFFICE OF PETITIONS

In re Application :
Horenstein, et al. :
Application No. 10/067,495 :
Filed: February 4, 2002 :
Attorney Docket No. UF-266X :
For: INHIBITORS OF :
GLYCOSYLTRANSFERASE ENZYMES :

ON PETITION

This is a decision on the reconsideration petition under 37 CFR 1.182 to change the name of the first listed joint inventor and the petition under 37 CFR 1.181 to withdraw the holding of abandonment. Both petitions were filed in the same document on September 30, 2005 (certificate of mailing date September 28, 2005),

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.182 is **GRANTED**.

PETITION UNDER 37 CFR 1.181

On March 4, 2002, the Office mailed a Notice to File Missing Parts of Nonprovisional Application. This Notice required applicants to submit an executed declaration and a \$65.00 surcharge within an extendable two month period from the mail date of the notice. A review of the application file reveals that the \$65.00 surcharge was paid and a transmittal letter was filed via facsimile on April 9, 2002. However, there is no executed declaration. Therefore, the Office contended that this application became abandoned on May 5, 2002 for failure to file an executed declaration.

Petitioners assert that an executed declaration was timely transmitted via facsimile to and received by the Office on April 9, 2002. The Office has no record of receiving this item. However, the copy of the itemized transmittal letter found in the application file contains a proper certificate of facsimile transmission citing an April 9, 2002 date of transmission. This transmittal letter states,

inter alia, that an executed declaration is enclosed. In addition, petitioners have submitted a copy of their sending unit's report confirming successful transmission of 10 pages of material on April 9, 2002.

Under 37 CFR 1.8(b), correspondence is considered timely filed if petitioner: supplies (1) a copy of the previously transmitted correspondence with a signed certificate of transmission affixed thereto (2) a statement which attests on a personal knowledge basis to the previous timely transmission. A copy of the sending unit's report confirming transmission may be used to support this statement. Furthermore, under 37 CFR 1.8(c), the Office may require additional evidence to determine if the correspondence was timely filed.

Petitioners have supplied persuasive evidence that an executed declaration was successfully filed via facsimile transmission on April 9, 2002. The petition under 37 CFR 1.181 is granted.

Regarding fees, petitioners were charged two \$65.00 late declaration surcharges. One \$65.00 surcharge will be refunded to deposit account no. 19-0065.

PETITION UNDER 37 CFR 1.182

Petitioners have submitted a Final Judgment of Change of Name (Adult) ordered on July 2, 2003 that shows "Benjamin Alan Horenstein" legally changed his name to "Nicole Alana Horenstein".

The petition under 37 CFR 1.182 requesting that the U.S. Patent Office recognize the name change of the first listed joint inventor in its records is granted.

A replacement filing receipt reflecting this change is enclosed.

After the mailing of this decision, the application file will be returned to Technology Center A.U. 1654.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
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Office of Petitions
Office of the Deputy Commissioner for
Patent Examination Policy

enclosure: replacement filing receipt